

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

LARRY DON SYLVESTER  
Petitioner,

v.

NATHANIEL QUARTERMAN,  
DIRECTOR, TEXAS DEPT. OF  
CRIMINAL JUSTICE-CORRECTIONAL  
INSTITUTIONS DIVISION,  
Respondent.

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C.A. NO. C-07-33


**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION AND  
DENYING PLAINTIFF'S MOTION TO ALTER OR AMEND THE  
JUDGMENT**

On September 27, 2007, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause. (D.E. 24). Petitioner did not file objections. When no timely objection is filed, the Court need only satisfy itself that there is no "clear error" on the face of the record in order to accept the Magistrate Judge's recommendation. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir.1996) (citing FED. R. CIV. P. 72(b) advisory committee's note (1983)).

Because petitioner's filing, docketed as "Motion Status of Sentencing" (D.E. 24), merely repeated his request for relief on the merits, the Magistrate Judge treated it as a motion to alter the judgment pursuant to Rule 59(e). The Magistrate Judge found that petitioner failed to argue any error in the District Court's dismissal of his petition as successive. Having reviewed the pleadings and

motions on file, the Court finds no clear error in the Magistrate Judge's recommendation. The Court accepts the Magistrate Judge's recommended decision. Accordingly, petitioner's Motion to Alter or Amend the Judgment (D.E. 24) is DENIED.

ORDERED this 19 day of November, 20072007.

  
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HAYDEN HEAD  
CHIEF JUDGE